IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1405 OF 2004

IN

SUIT NO.1569 OF 2002

Rabo India Finance Pvt. Ltd. ... Plaintiffs.

vs.

1. Shri.Mahadeshwara Sugar Mills Limited & others. ... Defendants.

Mr.C.S.Baliora i/b. M/s.Negandhi Shah & Himayatullah, for Plaintiffs.

Mr.G.S.Hegde with C.M.Lokesh i/b. M/s.Hegde & Associates for Applicant.

Ms.Rekha V. Tawde i/b. M.V.Kini & Co. for Defendant no.4.

Mr.Sriram Kulkarni, for Defendant nos.5 & 6.

CORAM: D.K.DESHMUKH,J.

DATED: 4th March, 2005.

P.C.:-

1. The applicant is a statutory authority. The notice of motion at his instance for release of amount, cannot be entertained. If the applicant has to make recovery pursuant to the recovery certificate issued in favour of the workers and if the applicant has a statutory power to do so, it can make orders for attachment and for deposit of amount. The application to the Court for release of amount, cannot be made by a Statutory authority. The notice of motion is therefore, misconceived. Hence, the Notice of Motion is disposed of.

4.3.2005 ---